

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**JESUS GARCIA AND OLGA LYDIA,  
GARCIA**

***Plaintiffs,***

**v.**

**JOHN DOE AND ESTES EXPRESS  
LINES,**

***Defendants.***

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**CIVIL ACTION NO. 4:22-CV-02934**

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**DEFENDANT ESTES EXPRESS LINES' NOTICE OF REMOVAL**

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Pursuant to 28 U.S.C. 1332, 1441 and 1446, Defendant Estes Express Lines ("Defendant") files this Notice of Removal from the 215<sup>th</sup> Judicial District Court of Harris County, Texas, to the United States District Court for the Southern District of Texas, Houston Division, and respectfully states the following:

**State Court Action**

1. On July 22, 2022, Plaintiffs Jesus Garcia, and Olga Lydia Garcia ("Plaintiffs") initiated this action by filing Plaintiffs' Original Petition (the "Petition"), Cause No. 2022-43956, in the 215<sup>th</sup> Judicial District Court of Harris County, Texas (the "State Court Action") against Defendant and John Doe. Plaintiff asserts claims of negligence and gross negligence against Defendant and John Doe for injuries allegedly sustained by Plaintiffs in an automobile accident.

**Timeliness of Removal**

2. Defendant was served with Plaintiffs' Original Petition on July 29, 2022.
3. Defendant's Notice of Removal is therefore timely pursuant to 28 U.S.C. 1446(b)

as it is filed within 30 days after the Original Petition was received by Defendant.

### **Grounds for Removal**

4. Pursuant to 28 U.S.C. 1441(a), the State Court Action may be removed to this Court because this Court has original jurisdiction of the claims and parties in the State Court Action under 28 U.S.C. 1332. The United States District Court for the Southern District of Texas, Houston Division, is the proper venue for this action because it presides over the district and division within which the State Court Action was filed (Harris County). *See* 28 U.S.C. 1441(a).

5. Upon information and belief Plaintiffs Jesus Garcia and Olga Lydia Garcia are resident and citizen of the State of Texas. *See* Plaintiff's Original Petition, attached hereto as **Exhibit A-2**.

6. Defendant Estes Express Lines is a Virginia corporation with its principal place of business in Richmond, Virginia. Thus, Defendant is a citizen of Virginia.

7. Complete diversity of citizenship therefore exists between Plaintiff, Defendant, Estes Express Lines and Plaintiffs.

8. The amount in controversy exceeds \$75,000, excluding interest, costs, and attorney's fees. *See* Plaintiff's Original Petition, attached hereto as **Exhibit A-2**, indicating that Plaintiff seeks damages is less than \$250,000.00.

### **Required Documents and Information**

9. In accordance with LR81, the following documents and information are hereby furnished to the clerk:

- i. A list of all parties in the case, their party type and current status of the removed case: Pleadings asserting causes of action, e.g., petitions, counterclaims, cross actions, third-party actions, interventions, and all

answers to such pleadings;

<b>Party</b>	<b>Party Type</b>
Jesus Garcia and Olga Lydia Garcia	Plaintiffs
John Doe and Estes Express Lines	Defendants

- ii. A civil cover sheet; and certified copy of the state court docket sheet, a copy of all pleadings that assert causes of action, all answers to such pleadings and a copy of all process and orders served upon the party removing the case to this court as required by 28 U.S.C. § 1446(a), attached hereto as **Exhibit A**;
- iii. All executed process;
- iv. A list of all counsel of record, including addresses, telephone numbers and parties represented:

<b>Attorney</b>	<b>Bar No.</b>	<b>Address</b>	<b>Telephone No.</b>	<b>Party Represented</b>
Rahul Lamba	24031415	11211 Katy Freeway, St 250 Houston, Texas 77079	(713) 467-7844	Plaintiff
Lindsay G. Gorbach	24059839	750 North Saint Paul Street, Suite 700 Dallas, Texas 75201	(870) 926-2225	Defendant Estes Express Lines
Jacqueline A. Gerber	24082624	750 North Saint Paul Street, Suite 700 Dallas, Texas 75201	(870) 926-2225	Defendant Estes Express Lines
Laura E. Calloway	24099661	750 North Saint Paul Street, Suite 700 Dallas, Texas 75201	(870) 926-2225	Defendant Estes Express Lines
Jessica Junek	24106154	750 North Saint Paul Street, Suite 700 Dallas, Texas 75201	(870) 926-2225	Defendant Estes Express Lines

### **Notice of Removal**

10. Pursuant to 28 U.S.C. 1446(d), written notice of the filing of this Notice of Removal to all adverse parties and a true and correct copy of this Notice of Removal will be filed with the

Clerk of the 215<sup>th</sup> Judicial District Court of Harris County, Texas.

**Request for Relief**

11. Defendant requests the following relief:
- i. That the Court make such orders, if any, and take such action, if any, as may be necessary in connection with the removal of the State Court Action to this Court; and
  - ii. Such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

**MAYER LLP**

By: /s/ Lindsay G. Gorbach  
Lindsay G. Gorbach  
Texas Bar No. 2355969  
Jacqueline A. Gerber  
Texas Bar No. 2164390

750 North Saint Paul Street, Suite 700  
Dallas, Texas 75201  
(870) 926-2225  
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jgerber@mayerllp.com

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on the following counsel of record via electronic transmission, on August 29<sup>th</sup>, 2022:

Rahul Lamba  
Texas Bar No. 24031415  
Lamba & Associates, PC  
11211 Katy Freeway, St 250

Houston, Texas 77079  
(713) 467-7844  
(713) 467-7637 (*facsimile*)  
lawofficeofrahullamba@gmail.com

/s/ Lindsay G. Gorbach  
Lindsay G. Gorbach